

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of 365 Wireless, LLC for
a Certificate of Public Convenience
and Necessity to Provide
Interexchange and Local Exchange
Telecommunications Services and for
Alternative and Flexible Regulation

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET/NDI

NUMBER: 2013 - 77 - C

(Please type or print)

Submitted by: Scott ElliottSC Bar Number: 1872Address: 1508 Lady StreetTelephone: 803-771-0555Columbia SC 29201

Fax: _____

Other: _____

Email: sellott@elliottlaw.us

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input checked="" type="checkbox"/> Other: <u>Testimony</u>	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

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ELLIOTT & ELLIOTT, P.A.

ATTORNEYS AT LAW

1508 Lady Street

COLUMBIA, SOUTH CAROLINA 29201

selliott@elliottlaw.us

SCOTT ELLIOTT

TELEPHONE (803) 771-0555

FACSIMILE (803) 771-8010

May 6, 2013

VIA ELECTRONIC FILING

Jocelyn Boyd, Esquire
Chief Clerk and Administrator
South Carolina Public Service Commission
101 Executive Center Drive
Columbia, SC 29210

RE: Application of 365 Wireless, LLC, for a Certificate of Public Convenience and to Provide Interexchange and Local Exchange Telecommunications Services and for local service offerings to be regulated in accordance with procedures authorized for NewSouth Communications in Order No. 98-165 in Docket No. 97-467-C; and for interexchange service offerings to be regulated in accordance with procedures established for alternative regulation in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C.
DOCKET NO.: 2013-77-C

Dear Ms. Boyd:

I have enclosed the prefiled **Direct Testimony of Joseph White** filed on behalf of 365 Wireless, LLC in the above referenced docket. By copy of this letter, I am serving all parties of record.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.


Scott Elliott

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Enclosures

cc: Parties of Record w/enc.

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Application of 365 Wireless, LLC for a Certificate of Public Convenience and Necessity to Provide Interexchange and Local Exchange Telecommunications Services and for local service offerings to be regulated in accordance with procedures authorized for NewSouth Communications in Order No. 98-165 in Docket No. 97-467-C; and for interexchange service offerings to be regulated in accordance with procedures established for alternative regulation in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C.


DOCKET NO.: 2013-77 -C

PARTIES SERVED: Courtney D. Edwards, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Margaret M. Fox, Esquire
M. John Bowen, Jr., Esquire
McNair Law Firm
Post Office Box 11390
Columbia, SC 29211

PLEADING: Direct Testimony of Joseph White

May 6, 2013



Marcia W. Walters, Legal Assistant

243833

BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2013-77-C

IN RE: Application of 365 Wireless, LLC)
for a Certificate of Public Convenience)
and Necessity to Provide Interexchange)
and Local Exchange Telecommunications)
Services and for local service offerings to)
be regulated in accordance with)
procedures authorized for New South)
Communications in Order No. 98-165 in)
Docket No. 97-467-C; and for)
interexchange service offerings to be)
regulated in accordance with procedures)
established for alternative regulation in)
Order Nos. 95-1734 and 96-55 in Docket)
No. 95-661-C)

DIRECT TESTIMONY OF
JOSEPH WHITE

I. Introduction

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1. Q. Please state your name and business address.

A. My name is Joseph White. My business address is 2870 Peachtree Road
#951, Atlanta, Georgia 30305

2. Q. By whom are you employed and in what capacity?

A. I am Vice President of Technology of 365 Wireless, LLC (365 Wireless).

3. Q. Please give a brief description of your background and experience in
business and telecommunications.

A. My background and experience, as well as other members of the
management team of 365 Wireless, is set forth in Exhibit "D" of our
application.

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1 **4. Q. What is the purpose of your testimony?**

2 A. The purpose of my testimony is to describe the nature of 365 Wireless'
3 proposed service offering within the State of South Carolina, and to
4 demonstrate its financial, managerial, and technical ability to provide the
5 telecommunications services for which authority is sought herein.

6 **5. Q. Do you wish to incorporate by reference any documents into your**
7 **testimony?**

8 A. Yes. I wish to incorporate by reference the underlying Application filed in
9 this proceeding and its associated attachments.

10

11 II. The Business of 365 Wireless

12 **6. Q. Has 365 Wireless registered to do business in South Carolina?**

13 A. Yes. 365 Wireless is a Georgia Corporation that has received authorization
14 to transact business within the State of South Carolina. A copy of 365
15 Wireless' Articles of Incorporation is attached to the Application as
16 Exhibit "A" and a copy of the document of authorization from the State of
17 South Carolina is attached to that Application as Exhibit "B".

18 **7. Q. Please describe the services 365 Wireless intends to provide within the**
19 **State of South Carolina.**

20 A. 365 intends to offer interexchange service to business customers
21 throughout the state. Applicant intends to provide local exchange service
22 to customers located in local exchange carriers' service areas of South
23 Carolina. Should its Application be granted, 365 plans to commence

1 offering service within one year of the appropriate and necessary resale
2 arrangements with the incumbent Local Exchange Carriers ("LECs").
3 Applicant will immediately begin negotiating an interconnection/resale
4 agreement with AT&T South Carolina to provide local service. Applicant
5 intends to utilize AT&T South Carolina, and other equivalent providers as
6 its underlying interexchange carriers.

7 8. Q. Does 365 Wireless currently provide local exchange and
8 interexchange telecommunications services in any other state?

9 A. Yes. 365 Wireless is currently authorized to provide these services in
10 the following states: Arkansas, Colorado, District of Columbia, Florida,
11 Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Massachusetts,
12 Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico,
13 New York, North Dakota, Ohio, Oregon, Rhode Island, South Dakota,
14 Texas, Washington and Wisconsin.

15 9. Q. Has 365 Wireless ever had an application for a certificate of public
16 convenience and necessity denied?

17 A. No.

18 10. Q. Does 365 Wireless intend to file tariff with the Commission?

19 A. Yes. 365 Wireless filed a tariff along with its Application in this
20 proceeding which it will modify as necessary in order to meet the
21 Commission's requirements. We believe 365 Wireless' Tariff will
22 incorporate all Orders, Rules, and Regulations of the Commission.

1 11. Q. Will 365 Wireless comply with the Commission's orders regarding the
2 resale of interexchange carrier services?

3 A. Yes. 365 Wireless will at all times provide and market services in
4 accordance with current Commission policies. In addition, 365
5 Wireless at all times will provide interstate services in compliance with all
6 FCC rules and regulations.

7 12. Q. Has 365 Wireless provided any intrastate telecommunications services
8 within the State of South Carolina?

9 A. No.

10 13. Q. What rates will 365 Wireless charge upon receipt of certification?

11 A. 365 Wireless will charge the tariffed rates approved by the Commission.

12 14. Q. How will 365 Wireless market services in South Carolina?

13 A. 365 Wireless intends to market its services via direct sales by its
14 employees and independent sales agents.

15

16 III. Managerial, Technical and Financial Qualifications

17 15. Q. Does 365 Wireless have sufficient technical, financial, and financial
18 resources and ability to provide the telecommunications services
19 proposed in its application?

20 A. Yes. 365 Wireless has sufficient technical, financial, and managerial
21 resources ability to provide the telecommunications herein. 365 Wireless'
22 personnel represent a broad spectrum of business and technical disciplines,

possessing many years of individual and aggregate telecommunications experience.

Our qualifications and experience are discussed in Exhibit D to our application, which attachment also supports Applicant's managerial and technical ability to provide the services for which authority is sought herein.

16. Q. How does 365 Wireless handle customer service requests?

A. 365 Wireless' customer service representatives are prepared to respond to a broad range of service matters, including inquiries regarding: (1) the types of services offered by 365 and the rates associated with such services; (2) monthly billing statements; (3) problems or concerns pertaining to a customer's current service; and (4) general service matters. Please see the application for further details.

17. Q. Please describe the financial condition of 365 Wireless.

A. 365 Wireless has begun the significant deployment of its extensive telecommunications network and all related network assets throughout the United States. 365 Wireless has adequate capitalization and as of the fourth quarter of 2012, 365 Wireless is cash flow positive and is “self-funding” its operations from its realized profits and positive cash flow. To date, all capital expenditures of the Company have been addressed and all future capital needs have been pledged with no anticipated shortfalls. Financial statements have been provided in the application.

1 IV. Public Interest

2 18. Q. How will residents of South Carolina benefit from 365 Wireless'
3 services and presence in South Carolina?

4 A. Approval of this Application will promote the public interest by increasing
5 the level of competition in the South Carolina telecommunications market.
6 Ultimately, competition will compel all telecommunications service
7 providers to operate more efficiently and pass the resultant cost savings on
8 to consumers. In addition, as a result of competition, the overall quality of
9 local exchange and interexchange service will improve.

10 19. Q. Has the Company ever been the subject of an investigation by any
11 State Regulatory body or by the FCC?

12 A. No.

13 20. Q. Will the Company agree to abide by and comply with the
14 Commission's Rules and Regulations and Commission Orders in its
15 in South Carolina?

16 A. Yes.

17 21. Q. Does this conclude your testimony?

18 A. Yes. I would like to thank the Commission for this opportunity to provide
19 information relevant to 365 Wireless' application and we are ready to
20 provide any additional information that the Commission may need in
21 making its decision.